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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/411,407	09/30/1999	THOMAS L. STACHURA	042390.P7090	8269
7590	11/13/2003		EXAMINER	
ALOYSIUS T C AUYEUNG C/O BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP 12400 WILSHIRE BOULEVARD 7TH FLOOR LOS ANGELES, CA 90025			MIRZA, ADNAN M	
			ART UNIT	PAPER NUMBER
			2141	18
			DATE MAILED: 11/13/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/411,407	STACHURA ET AL.
	Examiner	Art Unit
	Adnan M Mirza	2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 28 October 2003.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.
- 4) Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-16 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-16, 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farrand et al (U.S. 5,309,563), and in view of Nouri et al (U.S. 6,065,053).

As per claim 1 Farrand disclosed in a client device, a method comprising: receiving control operations from a source external to client device; determining a current operating state of said client device (col. 5, lines 36-39);

However Farrand failed to disclose determining whether execution of said received control operations are permitted while said client device is in said determined operating state; executing said received control operations if said execution has been determined to be. In the same field of endeavor Nouri disclosed determining the cause of the system problem, the administrator can use micro controller network “fly by wire” capability to reset the system, as well as to power the system off or on. “fly by wire” denotes that no switch, indicator or other control is directly connected to the function it monitors or controls, but instead all the control and monitoring connections are made by the micro controller network. The remote interface or remote interface board interfaces the server system to an external computer (col. 6, lines 45-65). Nouri’s statement of monitoring and the control capability while the system is on and performing

different functionality of control operations can be interpreted as client device is in current operating status while receiving control operations.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated determining whether execution of said received control operations are permitted while said client device is in said determined operating state; executing said received control operations if said execution has been determined to be.

6. As per claim 2 Farrand-Nouri disclosed wherein receiving externally provided control operations includes receiving a system reset operation (Nouri, col. 5, lines 24-26).

7. As per claim 3 Farrand-Nouri disclosed wherein receiving externally provided control operations includes receiving a system power operation (Nouri, col. 6, lines 36-39).

8. As per claim 4 Farrand-Nouri disclosed wherein said externally provided control operations are received from a server device coupled to said client device over a network (Nouri, col.5, lines 54-63).

9. As per claim 5 Farrand-Nouri disclosed wherein said current operating state of said client device is determined by inspecting at least one status register on said client (Nouri, col. 5, lines 31-37).

10. As per claim 6 Farrand-Nouri disclosed wherein said control operations are permitted while said client device is in a system hung state (Nouri, col. 13, lines 31-37).

11. As per claim 7 & 16 Farrand-Nouri disclosed wherein said externally provided control operations are received via a network data packet encapsulated according to a remote management and control protocol (RMCP) (Farrand, col. 2, lines 55-61).

12. As per claim 8 Farrand-Nouri disclosed An apparatus comprising: a first electronic component; a bus; a, sensor coupled to said bus and said first electronic component to sense events in said first electronic component (Nouri, col. 22, lines 32-65); and a second electronic component coupled to said bus to conditionally cause said first electronic component to perform a plurality of functions through said sensor, via said bus, responsive to control operations from a source external to the apparatus (Nouri, col. 12, lines 50-62).

13. As per claim 9 Farrand-Nouri disclosed wherein said first electronic component further comprises a reset pin, and wherein said second electronic component coupled to said bus conditionally causes said first electronic component to perform a reset function (Nouri, col. 15, lines 21-60).

14. As per claim 10 Farrand-Nouri disclosed wherein said first electronic component includes a processor (Nouri, col. 15, lines 21-60).

15. As per claim 11 Farrand-Nouri disclosed wherein said bus includes a system management bus (Nouri, col. 8, lines 18-23).

16. As per claim 12 Farrand-Nouri disclosed further comprising a network controller (Nouri, col. 8, lines 5-18).

17. As per claim 13 Farrand-Nouri disclosed wherein said external control operations are provided by a server device connected to said apparatus through said network controller (Nouri, col. 8, lines 5-18).

18. As per claim 14 Farrand-Nouri disclosed further comprising: an operating system; and a processor to execute said operating system (Nouri, col 6, lines 58-65).

19. As per claim 15 Farrand-Nouri disclosed wherein said second electronic component conditionally causes said first electronic component to perform said plurality of functions prior to said operating system having been executed by said processor (Nouri, col. 12, lines 50-62).

Claim Rejections - 35 USC § 102

20. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claim 24 rejected under 35 U.S.C. 102(e) as being unpatentable by Nouri et al (U.S. 6,065,053).

As per claim 24 Nouri disclosed proxy to translate command data received from an application external to a client device to client-based hardware control data and to transmit the control data to the client device (Nouri, col. 14, lines 27-45); and client hardware within the client device to parse the control data from the proxy and to execute control operations are permitted in the client device's current operating state (Nouri, col. 25, lines 51-65).

21. As per claim 25 Nouri disclosed wherein the proxy is located at a management server external to the client device (col. 14, lines 28-48).

22. As per claim 26 Nouri disclosed wherein the management server is connected to the client device via a network (col. 13, lines 45-63).

Applicant's arguments are as follows:

23. Applicant argued that prior art did not disclose a sensor coupled to the bus and the first electronic component to sense events in the first electronic component.

As to applicant's argument Nouri disclosed an exemplary message from the micro controller network table includes "temperature sensor # 5 exceeding warning threshold" (col. 22, lines 33-37). One ordinary skill in the art at the time of the invention has the knowledge that first electronic component contains micro controller where bus and sensors are the components of the micro controller. The above Nouri's disclosure can be interpreted as a sensor coupled to the bus and the first electronic component to sense events in the first electronic component.

24. Applicant argued that prior art did not disclose determining a current operating state of the client device and determining whether execution of the received control are permitted while the client device is in the determined operating state.

As to applicant's argument Farrand disclosed, "the computer system bus supplies certain signals to a bus monitor which will help determine the state of the computer system board (col. 5, lines 36-39)" that can be interpreted as determining a current operating state of the client device. Whereas Nouri disclosed determining the cause of the system problem, the administrator can use micro

controller network “fly by wire” capability to reset the system, as well as to power the system off or on. “fly by wire” denotes that no switch, indicator or other control is directly connected to the function it monitors or controls, but instead all the control and monitoring connections are made by the micro controller network. The remote interface or remote interface board interfaces the server system to an external computer (col. 6, lines 45-65). The monitoring and the control aspect as well as “fly by wire” capability to reset the system can be interpreted as determining whether execution of the received control are permitted while the client device is in the determined operating state.

Conclusion

25. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

26. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Adnan Mirza whose telephone number is (703)-305-4633.

27. The examiner can normally be reached on Monday to Friday during normal business hours.

28. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (703)-308-5221. The fax for this group is (703)-746-7239.

29. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)-746-7239 (For Status Inquiries, Informal or Draft Communications, please label "PROPOSED" or "DRAFT");

(703)-746-7239 (For Official Communications Intended for entry, please mark "EXPEDITED PROCEDURE"), 703)-746-7238 (For After Final Communications).

30. Any Inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-305-3900.

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Any response to a final action should be mailed to:

BOX AF

Commissioner of Patents and Trademarks Washington, D.C.20231

Or faxed to:

Hand-delivered responses should be brought to 4th Floor Receptionist, Crystal Park II,
2021 Crystal Drive, Arlington, VA 22202.

Adnan Mirza

Examiner



RUPAL DHARIA
SUPERVISORY PATENT EXAMINER